

FILED

MAY 19 2006

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

NEBRASKA DEPARTMENT
OF INSURANCE

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE,

PETITIONER,

vs.

NATHAN A. SMITH,

RESPONDENT.

CAUSE NO.: A-1665

CONSENT ORDER

In order to resolve this matter, the Nebraska Department of Insurance ("Department"), by and through its attorney, Christine M. Neighbors, and Nathan A. Smith, ("Respondent"), mutually stipulate and agree as follows:

JURISDICTION

The Department has jurisdiction over the subject matter and Respondent pursuant to *Neb.Rev.Stat.* §44-101.01 and §44-4047, *et seq.*

STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. Nathan A. Smith on April 19, 2006.

A copy of the petition was served upon the Respondent at his address of 155 Verdin Road, Greenville, SC 29607 and at 1200 Woodruff Road, Suite C-7, Greenville, SC 29607 by certified mail, return receipt requested.

2. Petitioner alleges Respondent engaged in conduct violating *Neb. Rev. Stat.* §44-4054(8), §44-4065(1), §44-1525(11), §44-4059(1)(b) and (h) as a result of the following conduct:

- a. Based upon Respondent's correspondence with the Department's Consumer Affairs Division, Respondent's address changed to 1200

Woodruff Road, Suite C-7, Greenville, SC 29607 on or about December 20, 2005. Respondent failed to notify the Department's Licensing Division of his change of address within thirty days from the date of change on a form required by the Director.

- b. On or about January 23, 2006, Respondent was fined \$2,450 by the South Carolina Department of Insurance for selling insurance without the proper license. To date, Respondent has not reported this action by South Carolina to the Nebraska Department of Insurance.
- c. On or about August 18, 2005, Department investigator Scott Zager wrote to Respondent requesting details of his role in solicitation of insurance sales in Nebraska prior to February 2, 2004, when Respondent obtained his Nebraska non-resident producer license. Respondent submitted a response on September 16, 2005, that was not signed and did not provide complete information.
- d. On or about November 30, 2005, Zager wrote to Respondent. The Department did not receive a response. In further attempt to contact Respondent, Zager sent a follow-up letter on January 5, 2006. The Department did not receive a response.

3. Respondent was informed of his right to a public hearing. Respondent waives that right, and enters into this Consent Order freely and voluntarily. Respondent understands and acknowledges that by waiving his right to a public hearing, Respondent also waives his right to confrontation of witnesses, production of evidence, and judicial review.

4. Respondent admits the allegations contained in the Petition and restated in Paragraph 2 above.

CONCLUSIONS OF LAW

Respondent's conduct as alleged above constitutes violations of *Neb.Rev.Stat.* §44-4059(1)(b) and (h), and §44-4054(8).

CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed to by Respondent, Nathan A. Smith, that Respondent shall pay an administrative fine in the amount of \$5,000.00 due within thirty (30) days after the date the Director of Insurance signs this Consent Order.

The Nebraska Department of Insurance shall retain jurisdiction of this matter for the purpose of enabling the Respondent or the Department to make application for such further orders as may be necessary.

In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing his or her signature below.

Christina Muegenbro
Attorney for Petitioner

5/16/06
Date

Nathan A. Smith
Nathan A. Smith

5/15/2006
Date

State of SC)
County of Greenville) ss.

On this 15 day of May 2006, Nathan A. Smith personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be his voluntary act and deed.

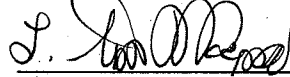
[Signature]
Notary Public

My Commission Expires
August 27, 2009

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs. Nathan A. Smith, Cause No.: A-1665.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



L. TIM WAGNER
Director of Insurance

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Consent Order was served upon the Respondent by mailing a copy to Respondent at 1200 Woodruff Road, Suite C-7, Greenville, SC 29607 by certified mail, return receipt requested, on this 22nd day of May, 2006.

